



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
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PLANNING & CODE ENFORCEMENT

WESTBROOK PLANNING BOARD

Tuesday, May 2, 2023, 7:00 P.M.
Westbrook High School – Room 114
125 Stroudwater Street

This meeting will be offered as a hybrid meeting, accommodating both in-person and remote participation.

Where public comment is permitted, members of the public attending remotely will have the opportunity to provide remote oral testimony. If you wish to speak during a Public Hearing or Public Comment, use the “Raise Hand” function through Zoom (or dial *9 on your phone) when instructed by the Planning Board chair.

Zoom Link: <https://us02web.zoom.us/j/81700741385>

Dial-in (audio only): 1-646-558-8656

Webinar ID: 817 0074 1385

AGENDA

1. **Call to Order**
2. **Approval of Minutes**

REGULAR BUSINESS

3. **2022.19 – Site Plan, Subdivision – 984 Spring Street Residential Development – Tom Watson & Co., LLC:** The applicant is requesting a 204-unit residential complex with associated site improvements and amenities located at 984 Spring Street. Tax Map: 003 Lot: 005 Zone: Highway Services Use: Dwelling, Multiple-Family

NEW BUSINESS

4. **2023.04 – Site Plan, Subdivision – 41 Arlington Avenue - Infinity Real Estate, LLC:** The applicant is proposing three new single-family structures located at 41 Arlington Avenue. Tax Map: 027 Lot: 046 Zone: Residential Growth Area 1 Use: Dwelling, Single-Family
5. **2023.15 – Subdivision Amendment – Rock Row South Campus – Dirigo Center Developers, LLC:** The applicant is requesting an amendment to the Rock Row South Campus Subdivision approved July 5, 2022 to shift parcel lines and create 4 new lots for a total of a 13-lot subdivision with 12 lots located within the Westbrook municipal boundaries.
6. **2023.14 – Subdivision Amendment – Rock Row North Campus – Dirigo Center Developers, LLC:** The applicant is requesting an amendment to the Rock Row North Campus subdivision approved July 5, 2022 to create 12 new lots, for a total of 19 lots on the north campus.
7. **2023.07 – Site Plan, Conditional Use - Rock Row – Dirigo Center Developers, LLC:** The applicant is requesting a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus. Tax Map: 042B Lot: 011 Zone: Contract Zone 12 – Rock Row Contract Zone Use: Restaurant Class 3



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PLANNING & CODE ENFORCEMENT

DATE: April 28, 2023

TO: Planning Board
FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Senior Planner
Cc: Plan Review Team

RE: May 2, 2023, Planning Board Meeting

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1. **2022.19 - Site Plan, Subdivision – 984 Spring Street Residential Development – Tom Watson & Co., LLC**
 2. **2023.04 – Site Plan, Subdivision – 41 Arlington Avenue - Infinity Real Estate, LLC**
 3. **2023.15 – Subdivision Amendment – Rock Row South Campus – Dirigo Center Developers, LLC**
 4. **2023.14 – Subdivision Amendment – Rock Row North Campus – Dirigo Center Developers, LLC**
 5. **2023.07 – Site Plan, Conditional Use - Rock Row – Dirigo Center Developers, LLC**

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1. **2022.19 - Site Plan, Subdivision – 984 Spring Street Residential Development – Tom Watson & Co., LLC**

REGULAR BUSINESS

Tax Map: 003 Lot: 005
Zone: Highway Services District
Use: Dwelling, Multiple-Family

Project Description

The applicant is requesting a 204-unit residential complex with associated site improvements and amenities located at 984 Spring Street.

A final submission packet was provided for the November public hearing. A full packet is available for viewing at the Planning Office during normal business hours.

Project History

June 1, 2022 – Neighborhood Meeting
June 7, 2022 - Planning Board Workshop
October 20, 2022 – Recreation and Conservation Commission
November 1, 2022 – Public Hearing
May 2, 2023 – Regular Meeting

Staff Comments

1. Noticing Fees: \$34.04
2. Sewer

- a. Need of detail of channel rework in Spring St existing structure
- 3. Coordination may be required for sidewalk installation northerly of Thomas Dr with DOT paving project.
- 4. Project is located within the Long Creek watershed and will be closely monitored for compliance with approved e/c plan throughout duration of construction.
- 5. Recommend as Conditions of Approval
 - a. Prior to scheduling preconstruction meeting:
 - i. Provide copy of wayfinding plan for file
 - ii. Provide plan for temporary sediment ponds for stormwater management during construction.
 - iii. Provide c/o phasing plan to demonstrate life safety measures/separation of construction materials/activities while phasing c/os for units.
- 6. Coordinate with FD on Knox box locations

Motion

That the Planning Board approves the Site Plan-Subdivision application for Tom Watson & Co., LLC for a 204-unit residential complex with associated site improvements and amenities located at 984 Spring Street. Tax Map: 003 Lot: 005 Zone: Highway Services District. Approval includes the following findings of fact, conclusions, and conditions as stated on pages 2 through 7 of this Staff Memo dated April 28, 2023, which are adopted in support of this approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed development conforms with the performance standards of the Highway Services District. Adequate on-site parking is provided in excess of the minimum parking standards as required by the Ordinance. Stormwater management is provided on site and has been reviewed by the City Engineer. A landscape plan is provided demonstrating a diversity of species internal to the site as well as along the Spring Street frontage to provide site beautification. The project meets the intent of the Ordinance.
Handicap Access	12 accessible parking spaces are located throughout the site to provide ADA accessibility to each building. Sidewalk tipdowns are provided to access the pedestrian walkway system. Tipdowns and cast-iron truncated domes are provided at the Spring Street crosswalk. The site is compliant with ADA standards.
Appearance Assessment	<ul style="list-style-type: none"> (a) Site ingress/egress is provided at a location that has been reviewed and approved by the City Engineer. A right/left turn pocket is shown on the offsite improvement plan, as required by the MDOT traffic movement permit. (b) Site layout takes into considerations topography and wetlands located on the site. (c) A landscape plan is provided which demonstrates a diversity in plant type and species throughout the site as well as along the Spring Street frontage to provide site beautification. (d) A lighting plan is provided which demonstrates adequate site and safety lighting. All fixtures are down casting to limit light pollution and trespass. (e) Adequate signage is provided for site identification and wayfinding.

	(f) Project is not located within the Village Review Overlay Zone.
Landscape Plan	A landscape plan is provided which demonstrates a diversity in plant type and species throughout the site as well as along the Spring Street frontage to provide site beautification.
Odors	The use is consistent with the permitted uses of the Highway Services District. Dumpsters are located throughout the site for solid waste collection and removal. No adverse impact is known or anticipated.
Noise	The use is consistent with the permitted uses of the Highway Services District. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Bar Harbor Bank & Trust dated May 31, 2022 to demonstrate financial capacity. The applicant has retained the services of Gorrill Palmer, which demonstrates technical capacity.
Solid Waste	Solid waste will be privately managed. Enclosed dumpsters are located throughout the site for solid waste collection and removal.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The use is consistent with the permitted uses of the Highway Services District. No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	Adequate parking and site circulation are provided. The applicant has provided a turning template to demonstrate adequate access for emergency vehicles.
Adequacy of Road System	With consideration of the MDOT traffic movement permit Reg. 01-000405-A-N, Spring Street has adequate capacity to accept the additional traffic generated by the project.
Vehicular Access	Site access is provided at a location that has been reviewed.
Pedestrian and Other Modes of Transportation	A stabilized path provides access between parking areas and each residential structure and all site amenities.
Utility Capacity	Utility services are available within the Spring Street right of way.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on site and is subject to the conditions and approval of MDEP permit L-30042-87-A-N/L-30042-TC-B-N.
Erosion and sedimentation Control	Adequate erosion control measures are provided on the plan.

Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area,

aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Subdivision – Finding of Fact

Standard	Finding
Pollution	Sewer services are available within Spring Street right of way. The ability to serve letter from wastewater services has been provided as part of the application.
Sufficient Water	Water services are available within Spring Street right of way. An ability to serve letter from Portland Water District has been provided as part of the application.
Municipal Water Supply	Water services are available within Spring Street right of way. An ability to serve letter from Portland Water District has been provided as part of the application.
Erosion	Adequate erosion control measures are shown on the plan.
Traffic	With consideration of the MDOT traffic movement permit Reg. 01-000405-A-N, Spring Street has adequate capacity to accept the additional traffic generated by the project.
Sewage Disposal	Sewer services are available within Spring Street right of way. The ability to serve letter from wastewater services has been provided as part of the application.
Municipal Solid Waste Disposal	Solid waste will be privately managed. Enclosed dumpsters are located throughout the site for solid waste collection and removal
Aesthetic, Cultural and Natural Values	The proposed development is located within a growth area as identified in the City’s comprehensive plan and is not encumbered by any easements or restrictions on tree removal or development. The project meets the standards of the district in which it is located. Site disturbance is limited to what is required for the construction and the project provides a landscape plan to provide buffering for directly abutting parcels. The project does not have an undue adverse impact on the aesthetic, cultural and natural values of the site.
Conformity with City Ordinances and Plans	The proposed development conforms with City Ordinances and the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Bar Harbor Bank & Trust dated May 31, 2022 to demonstrate financial capacity. The applicant

	has retained the services of Gorrill Palmer, which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Site is located within the Long Creek Watershed and will function as a contributing member to the Long Creek Watershed management district.
Ground Water	Site is located within the Long Creek Watershed and will function as a contributing member to the Long Creek Watershed management district.
Flood Areas	Flood Zones are identified on the Overall Site Layout/Subdivision Plan.
Freshwater Wetlands	All wetlands have been identified on the plan.
Farmland	No farmlands have been identified on the site.
River, Stream, or Brook	Long Creek is located on the parcel southerly of the subject parcel and is identified on the plan.
Stormwater	Stormwater management is provided on site and is subject to the conditions and approval of MDEP permit L-30042-87-A-N/L-30042-TC-B-N
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross a municipal boundary.
Lands subject to Liquidation Harvesting	Not applicable.

Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable

16. Any river, stream or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application packet dated April 6, 2023 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site-subdivision plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *The signed Subdivision Plan must be recorded within 90 days of Planning Board approval, or the approval shall be null and void.*
3. **Prior to any site disturbance or building permits being issued for the project:**
 - a. All Staff comments must be addressed.
 - b. Copy of Recorded subdivision plan must be provided to the Planning Office.
 - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. Additional Pre-construction meetings may be necessary if phased construction is not continuous. Prior to scheduling the preconstruction meeting the following must be provided to the Planning office:
 - i. Wayfinding plan provided demonstrating adequate signage throughout the site.
 - ii. Plan for temporary sediment pond during construction
 - iii. Phasing plan for c/o provided to Planning office (including the construction of the amenities)
 - d. Review of building elevations to be consistent with submitted documentation or testimony.
 - e. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - f. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. Inspection fee shall be 2% of the total amount of the performance guarantee. **\$89,295.51**
 - g. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. - **\$4,464,775.63**
 - h. Coordinate with the E911 Coordinator on addressing the building/units.
4. **Prior to commencing any work in the City Right-of-Way,** the applicant must obtain a road-opening permit from the Public Services Department.
5. **Prior to the issuance of the First Occupancy Permit:**
 - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), base paving, sidewalks, striping, dumpster, signage, stormwater features, etc.)
 - b. Frontage area offsite traffic improvements must be completed.
 - c. All Sewer & Water lines fully tested and approved. (Off-site work must be completed and signed off by Sewer Dept.)
 - d. All other site improvements, as shown or stated on plans or in conditions, must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.

- e. Documentation (signed contracts), for private trash removal & snow plowing provided to the Planning Department.
 - f. Verify final USPS location for mailbox.
- 6. Prior to the issuance of the Final Certificate of Occupancy:**
- a. All areas shown as pavement shall be final paved & striped, as necessary.
 - b. All onsite amenities must be completed.
- 7. Prior to release of the performance guarantee:**
- a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, monuments placed, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
 - b. Documentation of maintenance contractor for Stormwater Best Management Practices.
 - c. BDA testing may be required for all structures at the discretion of the FD.
 - d. Offsite improvements completed to the satisfaction of the Planning Office.
- 8.** Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
- 9.** The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
- 10.** The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

2. 2023.04 – Site Plan, Subdivision – 41 Arlington Avenue – Infinity Real Estate, LLC

PUBLIC HEARING

Tax Map: 027 Lot: 046
Zone: Residential Growth Area 1
Use: Dwelling, Single-Family

Project Description

The applicant is proposing three new single-family structures on a lot located at 41 Arlington Avenue.

Project History

January 28, 2023 – Neighborhood Meeting
February 7, 2023 – Planning Board Workshop
May 2, 2023 – Public Hearing

Staff Comments:

1. Open Space fee due prior to site disturbance (BP submission incorrectly stated in application)
2. Eligible for public trash removal as one ownership (rental units) but if the property were to go under separate ownership (condo) private waste removal is required.

Motion:

That the Planning Board approves the Site Plan-Subdivision application for Infinity Real Estate, LLC for three new single-family structures located on the lot at 41 Arlington Avenue. Tax Map: 027 Lot: 046 Zone: Residential Growth Area 1. Approval includes the following findings of fact, conclusions, and conditions as stated on pages 8 through 13 of this Staff Memo dated April 28, 2023, which are adopted in support of this approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed development conforms with the performance standards of the Residential Growth Area 1 District. Adequate on-site parking is provided in excess of the minimum parking standards as required by the Ordinance. Stormwater management is provided on site and has been reviewed by the City Engineer. A landscape plan is provided which meets the nonconforming lots standards. The project meets the intent of the Ordinance.
Handicap Access	Site is compliant with ADA standards for single family residential development.
Appearance Assessment	<ol style="list-style-type: none">(a) Site ingress/egress is located at an existing curb cut. Proposed structures are consistent with the residential nature of the neighborhood.(b) The proposed residential use is consistent with the RGA 1 zoning district and abutting properties.(c) A landscape plan has been provided that is in compliance with the requirements of Site Plan review and development of nonconforming lots.(d) Lighting is proposed to be consistent with the scale of residential development.

	<p>(e) Driveway is proposed to be named in compliance with E-911 requirements. A blue driveway (street) sign is shown on the plan.</p> <p>(f) Site is not located within the Village Review Overlay District.</p>
Landscape Plan	A landscape plan has been provided that is compliant with the requirements of Site Plan review and the development of nonconforming lots.
Odors	The proposed residential use is consistent with the abutting residential neighborhood and the underlying RGA 1 zoning district. No adverse impact is known or anticipated.
Noise	The proposed residential use is consistent with the abutting residential neighborhood and the underlying RGA 1 zoning district. No adverse impact is known or anticipated.
Technical and Financial Capacity	The applicant has provided a letter from Partners Bank dated March 13, 2023 to demonstrate financial capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.
Solid Waste	Proposed development is eligible for public waste removal. Development is responsible for obtaining City totes from Public Services prior to issuance of c/o.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The proposed use is consistent with the abutting residential neighborhood and the underlying RGA 1 zoning district. No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	The proposed development provides 7 off-site parking spaces. Site meets the standard of the Ordinance.
Adequacy of Road System	Arlington Avenue has adequate capacity to accept the additional traffic generated by the development.
Vehicular Access	Site ingress/egress is proposed to utilize an existing curb cut/driveway entrance that has been reviewed and approved by the City Engineer.
Pedestrian and Other Modes of Transportation	Not applicable.
Utility Capacity	Utilities are available within the Arlington Ave right of way.
Stormwater Management, Groundwater Pollution	Stormwater management is provided on the site utilizing foundation drains and an underdrain soil filter located on the southerly portion of the site.
Erosion and sedimentation Control	Adequate erosion control measures are shown on the plan.

Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality’s ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Subdivision – Finding of Fact

Standard	Finding
Pollution	Sewage disposal is via the public sewer system within Arlington Ave right of way. An ability to serve from Wastewater Services has been provided.
Sufficient Water	Water services are available within Arlington Avenue right of way. An ability to serve letter from Portland Water District has been provided.
Municipal Water Supply	Water services are available within Arlington Avenue right of way. An ability to serve letter from Portland Water District has been provided.
Erosion	Adequate erosion control measures are shown on the plan.
Traffic	Arlington Avenue has adequate capacity to accept the additional traffic generated by the development.
Sewage Disposal	Sewage disposal is via the public sewer system within Arlington Ave right of way. An ability to serve from Wastewater Services has been provided.
Municipal Solid Waste Disposal	Proposed development is eligible for public waste removal. Development is responsible for obtaining City toters from Public Services prior to issuance of c/o.
Aesthetic, Cultural and Natural Values	Not applicable
Conformity with City Ordinances and Plans	The plan conforms with City Ordinances and the Comprehensive Plan.
Financial and Technical Capacity	The applicant has provided a letter from Partners Bank dated March 13, 2023 to demonstrate financial capacity. The applicant has retained the services of DM Roma Consulting Engineers which demonstrates technical capacity.

Surface Waters; Outstanding River Segments	The project site is not located within the watershed of any pond or lake, or within 250' of a protected resource.
Ground Water	Groundwater will not be adversely impacted by the proposed development.
Flood Areas	No flood zones have been identified on the site.
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No farmlands have been identified on the site.
River, Stream, or Brook	No river, streams or brooks have been identified on the site.
Stormwater	Stormwater management is provided on the site utilizing foundation drains and an underdrain soil filter located on the southerly portion of the site.
Spaghetti Lots Prohibited	The lot does not have shore frontage.
Lake Phosphorus Concentration	The subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision does not cross a municipal boundary.
Lands subject to Liquidation Harvesting	Not applicable

Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond, or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream, or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in 38 M.R.S.A. Section 480-B.

19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application packet dated March 8, 2023 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Consistent with §335-13.5.D, the Code Enforcement Officer shall not issue any permits until a site-subdivision plan has been approved by the Planning Board and a Mylar signed by the Planning Board. *The signed Subdivision Plan must be recorded within 90 days of Planning Board approval, or the approval shall be null and void.*
3. **Prior to any site disturbance or building permits being issued for the project:**
 - a. All Staff comments must be addressed.
 - b. Copy of Recorded subdivision plan must be provided to the Planning Office.
 - c. A pre-construction meeting must be held with City Staff and the site work contractor. Contact the Planning Office to coordinate. Additional Pre-construction meetings may be necessary if phased construction is not continuous. Prior to scheduling the preconstruction meeting the following must be provided to the Planning office:
 - d. Review of building elevations to be consistent with submitted documentation or testimony.
 - e. The applicant shall provide the digital data as required by §335-13 – verification with GIS coordinator.
 - f. An inspection fee shall be made payable to the City of Westbrook for inspection of site improvements made by the Code Enforcement Officer and/or other appropriate City staff. Inspection fee shall be 2% of the total amount of performance guarantee. **\$2,081.30**
 - g. The applicant shall file a performance guarantee with the City of Westbrook. The amount of the guarantee shall be agreed upon in advance with the City of Westbrook and shall be of an amount to ensure completion of all on- and off-site improvements necessary to support the proposed project. - **\$104,065.30**
 - h. Coordinate with the E911 Coordinator on addressing the building/units.
4. **Prior to commencing any work in the City Right-of-Way,** the applicant must obtain a road-opening permit from the Public Services Department.
5. **Prior to the issuance of the First Occupancy Permit:**
 - a. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), base paving, sidewalks, striping, signage, stormwater features, etc.)
 - b. All Sewer & Water lines fully tested and approved.
 - c. All other site improvements, as shown or stated on plans or in conditions, must be installed unless a performance guarantee amount is held for the full amount of any remaining improvements to be completed after issuance of an Occupancy Permit.
 - d. Documentation (signed contract), for snow plowing provided to the Planning Department.
 - e. Verify final USPS location for mailbox.
6. **Prior to the issuance of the Final Certificate of Occupancy:**
 - a. All areas shown as pavement shall be final paved & striped, as necessary.
7. **Prior to release of the performance guarantee:**
 - a. The site will be inspected and deemed by City staff to be in compliance with the approved plans, monuments placed, and as-built plan provided in City approved format for the GIS system. Applicant to provide as-builts to City in paper copy, dwg file and pdf.
 - b. Documentation of maintenance contractor for Stormwater Best Management Practices.

- 8.** Best management practices shall be adhered to during all ground disturbance operations. All Street Catch basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work. Additional BMPs may be required to address erosion and sediment control during construction. Determination of the need for additional measures are at the sole discretion of City Staff.
- 9.** The applicant shall comply with the requirements of local and state authorities for life and safety requirements.
- 10.** The applicant shall comply with Chapter 37, the local Post Construction Stormwater Management Ordinance and maintain the Maintenance Log for the stormwater feature on the premise.

3. 2023.15 – Subdivision Amendment – Rock Row South Campus – Dirigo Center Developers, LLC

PUBLIC HEARING

Project Description

The applicant is requesting an amendment to the Rock Row South Campus Subdivision approved July 5, 2022 to shift parcel lines and create 4 new lots for a total of a 13-lot subdivision with 12 lots located within the Westbrook municipal boundaries.

Project History

- April 5, 2022 – Planning Board Workshop
- June 28, 2022 – Public Hearing - Portland
- July 5, 2022 – Public Hearing – Westbrook
- December 6, 2022 – Subdivision Amendment Public Hearing – Westbrook (plan abandoned)
- May 2, 2023 – Subdivision Amendment Public Hearing - Westbrook

Staff Comments

1. Public Safety does not support ‘Blue Rock Avenue’ due to conflict with commercial business Blue Rock Industries. Coordinate with Linda Gain on new private way name
2. Map and lots will need to be updated/adjusted with assessing following plat recording.
3. For reference, when plans for development of private ways return, a hydrant is required with a maximum interval of 500’.
4. Update Plan Note 1 (Intent of plan) to accurately reflect current subdivision – Note still has errors in it (duplicate language, incorrect number references, and what is parcel #2?)
5. Final association docs to be recorded prior to the sale of any lot within the subdivision.
6. Items addressed by applicant on updated plans provided to Staff:
 - a. Type on easement over Lot 1 – should read ‘easement to benefit Lot 12’.
 - b. Update Plan Note 1 (Intent of plan) to accurately reflect current subdivision.
 - c. Portland lot – Revise plan to state lot 13.
 - d. Discussion on need for lot 9 to be completely separate and not included with “lot 2” (private way) where the intent is to allow access between the North and South campus’.
 - i. Additional crossing easement over tracks required.
 - e. Easterly track crossing easement to be relocated to align with “Blue Rock Ave” (name to change). Should this be shown on plan as documentation for recording purposes?

Motion

That the Planning Board approve Dirigo Center Developers LLC’s applications for an amendment to the Rock Row South Campus Subdivision approved by the Westbrook Planning Board on July 5, 2022 to shift parcel lines and create a new Lots 10, 11 and 12. Tax Map: 042B Lots: 014B, 014C, 014D, 014E, 014F, 014G, 014H, 014I & 014J Zone: Contract Zone 12 – Rock Row Contract Zone and the following findings of fact, conclusions and conditions as stated on pages 14 through 16 of this Staff Memo dated April 28, 2023, which are adopted in support of this approval. Included with this approval is the waiver of a joint meeting with Portland, which was approved on October 1, 2019.

Subdivision – Finding of Fact

Standard	Finding
Pollution	No impact to water or air pollution results from the subdivision

Sufficient Water	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot's site plan.
Municipal Water Supply	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot's site plan.
Erosion	Erosion and control measures will be provided with each lot's site plan approval.
Traffic	The subdivision does not impact the traffic counts within the permit currently under review.
Sewage Disposal	Sewer services are available internal to the overall site and individual services will be provided to all newly created lots with the review of each lot's site plan approval. All new sewer connections are subject to the review and approval by Wastewater services.
Municipal Solid Waste Disposal	All waste removal will be privately managed for the development.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	The subdivision amendment is in conformance with City Ordinances & Comprehensive Plan
Financial and Technical Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Nason's Brook is located on Map 042B Lot 014, and is shown on the Amended Subdivision Plat.
Ground Water	The subdivision amendment does not increase impervious cover to the project site and will not have an impact on groundwater.
Flood Areas	All flood zones have been identified on the plan
Freshwater Wetlands	All wetlands have been identified on the plan
Farmland	No current or registered farmlands have been identified on the site
River, Stream or Brook	Nason's Brook is located on Map 042B Lot 014, and is shown on the Amended Subdivision Plat.
Stormwater	Site has received MDEP approval L-02743-23-P-A dated June 28, 2022. Stormwater management will be provided with each lot's site plan approval.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision is subject to the review and approval by the City of Portland Planning Board
Lands subject to Liquidation Harvesting	Not applicable

Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond, or river, or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream, or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 5, 2023 and all supporting/subsequent documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to any further permits being issued for any parcel within the Rock Row South Campus:
 - a. Staff Comments Addressed
 - b. The applicant shall provide a copy of the recorded amended subdivision plan.
 - c. The applicant shall provide the digital data as required by §335-13.3 – verification with GIS coordinator.
 - d. Site Plan permits are required on all lots created by this subdivision.
3. Prior to the sale of any lot within the Rock Row South Campus subdivision a copy of recorded association docs required to be provided to the Planning Dept.

4. 2023.14 – Subdivision Amendment – Rock Row North Campus – Dirigo Center Developers, LLC

PUBLIC HEARING

Project Description

The applicant is requesting an amendment to the Rock Row North Campus subdivision approved July 5, 2022 to create 12 new lots, for a total of 19 lots on the north campus.

Project History

- April 5, 2022 – Planning Board Workshop
- June 28, 2022 – Public Hearing - Portland
- July 5, 2022 – Public Hearing - Westbrook
- May 2, 2023 – Subdivision Amendment Public Hearing – Westbrook

Staff Comments

1. Please provide the mechanism that ties the lots to all overarching permits (MDEP, MDOT, etc.).
2. Items addressed in updated plans provided to Staff.
 - a. Remove lot line for where Rock Row proposed meets Rock Row existing – currently shown as two separate lots.
 - b. Project Parcels title block – remove Lot 14 (Map 42B Lot 11 only)
 - c. Update Plan Note 1 (Intent of plan) to accurately reflect current subdivision
 - d. Association docs are still under Staff review – will follow up with any necessary revisions. Final association docs to be recorded prior to the sale of any lot within the subdivision.

Motion

That the Planning Board approve Dirigo Center Developers LLC’s applications for an amendment to the Rock Row North Campus Subdivision approved by the Westbrook Planning Board on July 5, 2022 to create 12 new for a total of a 19-lot subdivision Tax Map: 042B Lot: 011 and Tax Map: 042B Lot: 011 Blocks: L01, L02, L05 Zone: Contract Zone 12 – Rock Row Contract Zone and the following findings of fact, conclusions and conditions as stated on pages 17 through 19 of this Staff Memo dated April 28, 2023, which are adopted in support of this approval. Included with this approval is the waiver of a joint meeting with Portland, which was approved on October 1, 2019.

Subdivision – Finding of Fact

Standard	Finding
Pollution	No impact to water or air pollution results from the subdivision.
Sufficient Water	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot’s site plan.
Municipal Water Supply	Water services are available internal to the overall site/subdivision and individual services will be provided to all newly created lots with the review of each lot’s site plan.
Erosion	Erosion and control measures will be provided with each lot’s site plan approval.
Traffic	The subdivision does not impact the traffic counts within the permit currently under review.
Sewage Disposal	Sewer services are available internal to the overall site and individual services will be provided to all newly created lots with the review of each lot’s site plan approval. All new sewer connections are subject to the review and approval by Wastewater services.

Municipal Solid Waste Disposal	All waste removal will be privately managed for the development.
Aesthetic, Cultural and Natural Values	None known.
Conformity with City Ordinances and Plans	The subdivision amendment is in conformance with City Ordinances & Comprehensive Plan
Financial and Technical Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Surface Waters; Outstanding River Segments	Not applicable.
Ground Water	The subdivision amendment does not increase impervious cover to the project site and will not have an impact on groundwater.
Flood Areas	No flood areas have been identified on the site.
Freshwater Wetlands	No wetlands have been identified on the site.
Farmland	No current or registered farmlands have been identified on the site
River, Stream or Brook	No rivers, streams or brooks have been identified on the site.
Stormwater	Site has received MDEP approval L-02743-23-P-A dated June 28, 2022. Stormwater management will be provided with each lot's site plan approval.
Spaghetti Lots Prohibited	No lots within the proposed subdivision have shore frontage.
Lake Phosphorus Concentration	The proposed subdivision is not located near or along a great pond.
Impact on Adjoining Municipality	The subdivision is subject to the review and approval by the City of Portland Planning Board
Lands subject to Liquidation Harvesting	Not applicable

Conclusions:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **has** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision **will** provide for adequate sewage waste disposal and **will not** cause an unreasonable burden on municipal services.
7. The proposed subdivision **will not** cause an unreasonable burden on the City's ability to dispose of solid waste.
8. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision **conforms** with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan or land use plan.
10. The subdivider **has** adequate financial and technical capacity to meet the standards of this section.
11. The proposed subdivision **will not** adversely affect the quality of any pond, lake, wetland, great pond, or river, or unreasonably affect the shoreline of that body of water.

12. The proposed subdivision **will not**, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The subdivision **is not** located in a flood-prone area, as determined by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.
14. All freshwater wetlands within the proposed subdivision **have** been identified.
15. All farmland within the proposed subdivision **has not** been identified. – Not applicable
16. Any river, stream, or brook within or abutting the proposed subdivision **has** been identified.
17. The proposed subdivision **will** provide for adequate stormwater management.
18. Lots in the proposed subdivision **do not have** shore frontage on a river, stream, brook, great pond, or coastal wetland as defined in 38 M.R.S.A. Section 480-B.
19. The long-term cumulative effects of the proposed subdivision **will not** unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
20. The proposed subdivision **will not** cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
21. Timber on the parcel being subdivided **has not** been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869, subsection 14.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated April 5, 2023 and all supporting/subsequent documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.
2. Prior to any further permits being issued for any parcel within the Rock Row North Campus:
 - a. Staff Comments Addressed
 - b. The applicant shall provide a copy of the recorded amended subdivision plan.
 - c. The applicant shall provide the digital data as required by §335-13.3 – verification with GIS coordinator.
3. No lots may be sold, or building permits may be issued, within the North Campus subdivision area designated as "Phase 2 area" until the dissolution of the Beer Garden site plan approval (PB Number 2023.07) on the lot identified as Parcel 2 Lot 10 on this subdivision plat, unless the Beer Garden site plan is amended to address safe vehicular and pedestrian access to and within the site.
4. Prior to the sale of any lots created with this approval and within the Rock Row North Campus subdivision a copy of recorded association docs required to be provided to the Planning Dept.

5. 2023.07 – Site Plan, Conditional Use – Rock Row – Dirigo Center Developers, LLC

PUBLIC HEARING

Tax Map: 042B Lot: 011
Zone: Contract Zone 12 – Rock Row Contract Zone
Use: Restaurant Class 3

Project Description

The applicant is requesting a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus. The main use will be conducted on Lot 10 of the newly approved Subdivision for North Campus. The parking lot and food truck areas will span across the adjacent lots of the Phase 2 area until such time as the Phase 2 area is ready for redevelopment. At that time, the Beer Garden will either cease operation or have a revised Site Plan to address pedestrian and vehicular traffic safety.

Project History

March 7, 2023 – Planning Board Workshop
May 2, 2023 – Public Hearing

Staff Comments

1. Use of generator powered temporary lighting towers is not allowed for permanent use. Fixed poles are required to be provided.
2. Conditions of Approval:
 - a. COA that stabilized path required to be provided to access beer garden entrance from parking and bathroom area.
 - b. Lighting Plan shall be required to be provided to the City prior to Certificate of Occupancy to ensure adequate lighting for egress.
 - c. Occupancy levels to be reviewed at time of CO.
 - d. Beer garden requires two remote means of egress.
 - e. Signage shall be wayfinding in nature and cannot serve for the purpose of advertising/freestanding sign along Larrabee.
 - f. All food trucks are required to be licensed by the City.
 - g. Stamped electrical drawings required for electrical permit.
 - h. Proposed use is stated to be year-round – A plan for winter use is required prior to CO or heating elements will not be permitted until a plan is approved of by the Codes Office. (shelter/heat source/etc.).
 - i. Prior to the preconstruction meeting, an emergency action plan for beer garden is required to submit to Planning/FD for review.
 - j. Life safety plan and Fire Marshall approval for assembly use prior to building permit and/or c/o
3. Items addressed in updated plans provided to Staff:
 - a. Provide detail for dumpster enclosure.

Motion

That the Planning Board approves the Site Plan-Conditional Use application for Dirigo Center Developers, LLC for a Restaurant Class 3 use located within the gravel parking area of the Rock Row North Campus. Tax Map: 042B Lot: 011 Zone: Contract Zone 12 – Rock Row Contract Zone. Approval includes the following findings of fact, conclusions, and conditions as stated on pages **21 through 24** of this Staff Memo dated April 28, 2023, which are adopted in support of this approval.

Site Plan – Finding of Fact

Standard	Finding
Utilization of the site	The proposed use does not overburden the site and is within the district standards permitted in the Contract Zone 12 – Rock Row Contract Zone zoning district.
Handicap Access	Accessible parking is provided within the existing paved parking lot adjacent to the use. A stabilized path provides access from the parking lot to the Restaurant Class 3 use. Site is compliant with ADA standards.
Appearance Assessment	Proposed use is compatible with the Rock Row commercial complex and does not block or impede pedestrian or vehicular access to the other businesses within the North Campus. Potted landscaping will be utilized while the proposed use is active and will be removed during inactive parts of the year. No permanent landscaping is proposed as the final layout of the Rock Row private way has not been determined or constructed. Lighting will be provided in the parking area and within the Restaurant Class 3 use for safety.
Landscape Plan	Potted landscaping will be utilized while the proposed use is active and will be removed when not in use. No permanent landscaping is proposed as the final layout of the Rock Row private way has not been determined or constructed. The proposed use does not alter or impact the approved landscape plan for the site.
Odors	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. A dumpster is provided for waste management. All waste will be privately managed. No adverse impact is known or anticipated.
Noise	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. No adverse impact is known or anticipated.
Technical and Financial Capacity	The City of Westbrook has a performance guarantee from the applicant in an amount that is sufficient to cover the project as proposed. The applicant has retained the services of Jones and Beach Engineers which demonstrates technical capacity.
Solid Waste	A dumpster is provided for waste management. All waste will be privately managed. No adverse impact is known or anticipated.
Historic, Archaeological and Botanical Resources or Unique Features	No historic, archaeological/botanical resources have been identified on the site.
Hazardous Matter	Project does not propose the handling, storage, or use of hazardous materials. No adverse impact known or anticipated.
Vibrations	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. No adverse impact is known or anticipated.
Parking & Loading Design and Site Circulation	Approximately 125 parking spaces will be delineated within the existing gravel parking lot adjacent to the restaurant class 3 use. ADA and overflow parking will utilize existing paved parking lots located on the site. A barrier is provided at the restaurant end of the parking lot for public safety measures.

Adequacy of Road System	Larrabee Road and Main Street have adequate capacity to support the additional traffic generated by the development.
Vehicular Access	Vehicular access will primarily be via the existing Larrabee Road entrance to the Rock Row site.
Pedestrian and Other Modes of Transportation	Proposed use is compatible with the Rock Row commercial complex and does not block or impede with pedestrian or vehicular access to the other businesses within the North Campus.
Utility Capacity	Utility access if available within the site. No impacts to a public right of way are anticipated with the development.
Stormwater Management, Groundwater Pollution	The site plan amendment is within the allowance of the existing SLOD permit for the site.
Erosion and sedimentation Control	Adequate erosion and sedimentation control will be provided for any necessary ground disturbance.

Conclusions

1. The proposed site plan **will not** result in undue water or air pollution.
2. The proposed site plan **has** sufficient water available for the reasonably foreseeable needs of the site plan.
3. The proposed site plan **will not** cause an unreasonable burden on an existing water supply.
4. The proposed site plan **will not** cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed site plan **will not** cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed site plan **will** provide for adequate sewage waste disposal.
7. The proposed site plan **will not** cause an unreasonable burden on the municipality's ability to dispose of solid waste.
8. The proposed site plan **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed site plan **conforms** with a duly adopted site plan regulation or ordinance, comprehensive plan, development plan, or land use plan.
10. The developer **has** adequate financial and technical capacity to meet standards of this section.
11. The proposed site plan **is not** situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, subchapter I, article 2-B M.R.S.A.
12. The proposed site plan **will not** alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. The proposed site **is not** situated entirely or partially within a floodplain.
14. All freshwater wetlands **have** been shown on the site plan.
15. Any river, stream, or brook within or abutting the site plan **has** been identified on any maps submitted as part of the application.
16. The proposed site plan **will** provide for adequate storm water management.
17. The proposed plan **will not** negatively impact the ability of the City to provide public safety services.

Conditional Use – Finding of Fact

Standard	Finding
Landscape Environment and Enhancement	Potted landscaping will be utilized while the proposed use is active and will be removed when not in use. No permanent landscaping is proposed as the final layout of the Rock Row private way has not been determined or constructed.

	The proposed use does not alter or impact the approved landscape plan for the site.
Surface Water Drainage	No adverse impact known or anticipated.
Water, Air, Soil Pollution	The proposed use does not cause unreasonable water, air or soil pollution.
Soil Integrity	Adequate erosion and sedimentation control will be provided for any necessary ground disturbance.
Natural Environment	No historic or irreplaceable natural areas are identified on the plan.
Nuisance Factor	The commercial/restaurant use is compatible with surrounding uses and the underlying zoning district. No adverse impact is known or anticipated.
Special Features	The use does not include exposed storage areas, machinery installation or loading areas. Not applicable.
Vehicular Access	Vehicular access will primarily be via the existing Larrabee Road entrance to the Rock Row site.
Parking and Circulation	Approximately 125 parking spaces will be delineated within the existing gravel parking lot adjacent to the restaurant class 3 use. ADA and overflow parking will utilize existing paved parking lots located on the site. A barrier is provided at the restaurant end of the parking lot for public safety measures.
Public Services	The use is located within the existing Rock Row commercial complex. All waste, snow removal and property maintenance will be privately managed. Ability to serve letters have been provided for appropriate utility services. The use does not cause an unreasonable burden on public services.

Conclusions

1. The landscape **is** preserved in its natural state insofar as practicable and **is** designed so as to stabilize the slopes and buffer the site, where necessary.
2. Surface water drainage **does not** have an adverse effect on surrounding properties, downstream water quality, soil stability or the storm drainage system.
3. The development **will not** cause unreasonable water, air or soil pollution.
4. The development **will not** cause unreasonable soil erosion or reduction in the capacity of the soil to hold water.
5. The development **does not** have an unreasonably adverse effect on a historic site or irreplaceable natural areas.
6. The development **does not** cause unreasonable noise, odors, dust, gas, fumes, smoke, light, or other annoying or dangerous emissions.
7. Exposed storage areas, machinery installation, service and loading areas and similar facilities **are** set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses.
8. The site layout **does** provide for safe vehicular access and egress, including that for emergency vehicles.
9. The layout of vehicular and pedestrian traffic patterns **does** provide for safe interior circulation, separation of pedestrian and vehicular traffic and storage of plowed snow. Parking **does** comply with the parking requirements set forth in the Ordinance.
10. The development **does not** impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities and other public services or facilities.

Conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in the application dated February 25, 2023 and all supporting/subsequent documents and oral representations submitted and

affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the City Planner or the Planning Board.

2. Prior to any site disturbance associated with the project elements or permits issued related to the Restaurant Class 3 use:
 - a. Preconstruction meeting - A brief discussion with Codes and FD to ensure that appropriate permits are being pulled for this project and the level of inspections required for CO issuance.
 - b. Reach out to E911 coordinator to determine an address for the restaurant for purposes of emergency services.
3. Stamped electrical drawings required for electrical permit.
4. Prior to issuance of c/o for the Restaurant Class 2 use:
 - a. All outstanding Staff comments must be addressed.
 - b. Life safety plan and Fire Marshall approval for assembly use.
 - c. Provide an emergency action plan subject to Planning & FD review.
 - d. Signage shall be wayfinding in nature and cannot serve for the purpose of advertising/freestanding sign along Larrabee.
 - e. Verification of two remote means of egress being provided.
 - a. Lighting plan provided to Planning Office for review and all site lighting installed in compliance with agreed upon plan to ensure adequate lighting for egress.
 - b. Gravel parking lot delineated and all wayfinding signage installed.
 - c. Knox Boxes installed at all gate locations.
 - d. Bathrooms deemed functional.
 - e. Occupancy loading determined and posted on site.
 - f. A site inspection of the required improvements by the City to ensure public health & safety is addressed and compliance with the approval (to include but not limited to lighting (installed & lit), striping, access, signage, etc.)
 - i. Additional protection measures may be deemed necessary once review of the actual site conditions is conducted to ensure life safety standards are met.
 - ii. ADA accessible path placement to access beer garden entrance from parking and bathroom area was reviewed & approved by Staff, then installed as agreed to.
5. Use of outdoor/patio heating lamps, or similar devices, are prohibited unless an plan demonstrating safe site layout and connection is provided to the satisfaction of Code Enforcement and FD
6. All food trucks are required to be licensed by the City.
7. Additional Erosion and sediment control measures may be required depending on nature of final layout at the discretion of the Engineering Dept.